

Docket No. 010337

Serial No. 09/864,417

REMARKS/ARGUMENTS

The Office action dated April 25, 2005 has been carefully considered. Claims 1-20, and 26-28 remain active in this application.

The rejection of claims 1-4, 6-7, 9-10, 14-15, 18, 20, 26-27 and 31 under 35 U.S.C. § 103(a) as being unpatentable over Sakakura and Yamagishi is respectfully traversed.

Sakakura is directed to a data synchronization method for maintaining and controlling replicated data while Yamagishi discusses retrieving update data concerning high audience ratings over a broadcast network.

Claim 1 recites "a processor...operable to include a last received object update version sequence number (OVSN) in the update request message." In Sakakura, figure 18, column 8, lines 51-54 and column 9, lines 47-50 teach the inclusion of a log number in an update message. As Sakakura teaches synchronizing data, the various nodes (whether they represent mobile stations or servers) must wait after generating a data request, (i.e. synchronization request) before sending an update message including a log number of a data update. This is inferred in column 9, lines 45-50, reproduced below:

In step S506, the node which receives the data synchronization request waits for the update message 403. When the update message 403 is received in step S507, then in step S508 a log number of the update message 403 is compared with a log number of the update log data 402 of the data store.

If the node that receives the data synchronization request must wait for the update message from the requesting node, then the request and update (with the log number) are spaced apart in time and likewise involve a period of waiting. Sakakura specifically notes that "the node which receives the data synchronization request waits (emphasis added) for the update message 403. Consequently, Sakakura must be held accountable for its own language and it must not be interpreted in a manner that would contravene its own teachings. In any case, Sakakura fails to teach or suggest "a processor...operable to include a last received object update version sequence number (OVSN) in the update request message" as recited in applicants claim 1. As is made clear by applicants' claim 1, the update request includes a last received object update version sequence number. Assuming ,arguendo, "Yamagishi teaches a server transmitting a data object update message after receipt of an update request message

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from a wireless communication device,"(see Office action, page 3) this does not amount to including a last received object update version sequence number (OVSN) in the update request message as recited in claim 1. Since Sakakura in addition to Yamagishi, taken singly, fail to teach or suggest the quoted limitation in claim 1, their combination likewise fails to teach or suggest this limitation. It is therefore submitted that any combination of Sakakura with Yamagishi would fail to teach, suggest, or make obvious claim 1. Speed is an acknowledged goal by applicants, specific to some aspects and implicit to others. See paragraphs 0028 and 0029, e.g., "[I]n order to quickly determine whether each receiver has the most current object..." The waiting introduced by Sakakura can only serve to frustrate that goal. No combination of cited references tempers this waiting by Sakakura.

Claims 14, 18, and 20 likewise recite a last received OVSN in an update request message. Specifically, claim 14 recites "a processor ...operable to include the last received OVSN in a data update request message." Claim 18 recites "transmitting the last received OVSN in a subsequent data update request message..." Claim 20 recites, "receiving a message from a wireless communications device", the "message comprising an OVSN." For the reasons indicated previously, Sakakura in combination with Yamagishi fail to teach, suggest or make obvious claim 14, 18 and 20 especially since they're combination fails to teach, suggest or make obvious the noted OVSN and update request message claim limitations.

The remaining claims depend from claims submitted herein as patentably distinguishable over the cited. It is submitted that these dependent claims are likewise patentably distinguishable as they merely contain limitations in addition to the claims from which they depend.

While claim 31 is distinguishable over the cited art, in order to further the prosecution of this application, this claim has been cancelled.

The rejection of claims 5, 8, 11-13, 16-17, 19 and 28 under 35 U.S.C. §103(a) as being unpatentable over Sakaura in view of Yamagishi and LaDue is respectfully traversed. LaDue, fails to teach, suggest or make obvious, taken singly or together with the other cited

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references, an update request message including an OVSN. This limitation is included within claims 5, 8, 11-13, 16-17, 19 and 28 through their dependency from one of the noted independent claims discussed above.

In view of the amendment and remarks, this case is submitted as being in a condition for allowance. Favorable action is respectfully requested.

Applicants therefore respectfully request that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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